IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Suresh Vs. State of Rajasthan
(S.B. CRIMINAL JAIL APPEAL NO.1384/2003)

S. B. Criminal Appeal under Sec.374 (2) Cr.P.C. against the judgment dated 8-8-2003 in Sessions Case No.37/2003 passed by Sh. Brijesh Kumar Dangra, RHJS, Additional Sessions Judge (Fast Track) Bandikui.

Date of Judgment: May 09, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. Sunil Kumar Yadav, Amicus Curiae, for the appellant.

Mr. M.L.Goyal, Public Prosecutor for the State.

BY THE COURT:

Challenge in this appeal is to the judgment dated August 8, 2003 Additional Sessions Judge (Fast Track) Bandikui whereby the appellant Suresh was convicted and sentenced under section 376 IPC to suffer rigorous imprisonment for seven years and fine of Rs.500/-, in default to further suffer simple imprisonment for one month.

2. It is the prosecution case that the police recorded parcha bayan of prosecutrix (Pw.1) on March 1, 2003 wherein she stated that she works of grazing goats, while she was in forest accused Suresh reached there and finding her alone committed rape on her. On that report a case was registered under section 376 IPC and investigation commenced. Site was inspected, statements of witnesses under section 161 CrPC were recorded and on

completion of investigation charge sheet was filed. In due course the case came up for trial before the learned Additional Sessions Judge (Fast Track) Bandikui. Charge under section 376 IPC was framed against the accused, who denied the charges and claimed trial. The prosecution in support of its case examined as many as 7 witnesses. In the explanation under Sec.313 CrPC, the appellant claimed innocence. No witness in defence was however examined. Learned trial Judge on hearing final submissions convicted and sentenced the appellant as indicated herein above.

3. Learned counsel for the appellant in the process of assailing the impugned finding took me through the material on record. A bare look at the evidence adduced at the trial goes to show that age of victim on the date of offence was about 12 years. As per the report of Medical Jurist Ex.P-6 injury was found on the private parts of prosecutrix. Potency test of appellant was also performed and the appellant was found potent. I see no reason to disbelieve the statement of prosecutrix wherein she deposed that appellant committed rape on her. Her testimony could not be shattered in the cross examination. Conclusion arrived at by learned trial Judge does not call far interference.

4. For these reasons, I do not find any merit in the instant appeal and the same stands accordingly dismissed. The conviction and sentence under section 376 IPC are maintained.

(Shiv Kumar Sharma)J.

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